



UNITED STATES DEPARTMENT OF COMMERCE
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Washington, D.C. 20231

D. Byron Miller
ALZA Corporation
950 Page Mill Road
Palo Alto, CA 94303-0802

In re Application of
Cormier, Sendelbeck, Muchnik and
Leung
Application No. 09/190,887
Filed: November 12, 1998
For: BUFFERED DRUG FORMULATIONS
FOR TRANSDERMAL ELECTROTRANSPORT
DELIVERY

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JUL 07 1999

SPECIAL PROGRAMS OFFICE
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: DECISION ACCORDING STATUS
: UNDER 37 CFR 1.47(a)

This is in response to the "Petition Under 37 CFR 1.47(a)," filed November 12, 1998.

The petition is granted.

The above-identified application was filed on November 12, 1998, with a declaration signed by Michel Cormier, Sara Sendelbeck and Anna Muchnik on behalf of themselves and non-signing inventor, Iris Leung.

The petition filed November 12, 1998, was accompanied by a declaration of facts of Mr. Byron Miller and exhibits, which include a copy of an ALZA company/employee newsletter; copies of all correspondence between Mr. Miller and Dr. Leung, including a letter from Dr. Leung addressed to Mr. Miller declining to sign the declaration; and a copy of Dr. Leung's Confidentiality Information, Secrecy and Invention Agreement. The declaration of facts also sets forth Dr. Leung's last known address.

Petitioners have shown that the non-signing inventor, Dr. Leung, has refused to join in the filing of the above-identified application. Specifically, the declaration of facts, set forth by Mr. Miller, establishes that Dr. Leung was mailed a copy of the continuation-in-part application papers, including the specification, claims, drawings and oath or declaration, but refused to execute the declaration.

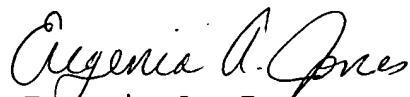
The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the Declaration. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, petitioner's deposit account No. 01-1173 will be charged the required \$130 petition fee.

Thereafter, the above-mentioned application will be returned to the Office of Initial Patent Examination for further processing as a Rule 47 application with an indication on the PALM bib-data sheet that the application has been accorded Rule 47 status.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 306-5586.



Eugenia A. Jones
Legal Advisor
Special Program Law Office
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects

JS



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Dr. Iris K. Leung
14727 Greenleaf Valley Drive
Chesterfield, MO 63017-5514

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Dear Dr. Leung:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (703) 305-9285. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1(800) 972-6382 (outside the Washington D.C. area).

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